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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,783	09/05/2003	Michael Hatscher	09282.0011-00	7220
22852	7590	01/11/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER MCCORMICK, GABRIELLE A	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 01/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/655,783

Applicant(s)

HATSCHER ET AL.

Examiner

Gabrielle McCormick

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☒ Claim(s) 13 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/5/2003 & 1/30/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on September 5, 2003.
2. Claims 1-39 are currently pending and have been examined.

Information Disclosure Statement

3. The Information Disclosure Statements filed September 5, 2003 and January 30, 2004 have been considered. Initialed copies of the Form 1449 are enclosed herewith.

Claim Objections

4. Claims 13 and 27 are objected to for grammatical errors. The claims lack a verb between "they" and "been".

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 11, 13, 14, 25, 27, 28 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claims 11, 25 and 39 recite allowing the "identification of **people** having a primary interest." It is unclear whether a group of people is identified having an interest, or whether the tense of word "people" is incorrect and should be understood to be the identification of a **person** having an interest.

8. Likewise, claims 13 and 27 recite "notifying people...that **they** been identified as potential **member**". It is unclear whether one or multiple people are identified.
9. Claims 14 and 28 recite an updated list of members that indicates potential new members. It is unclear how a list of members would comprise non-members, since a potential member is in fact, not a member. Further, the term "potential" is vague and indefinite in that it can be understood to be a limitless description of membership in the context that everyone has the "potential" to be a member of a community.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 1-10, 15-24 and 29-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahoo! (pages documented from the Internet Archive from December 17, 2001:
<http://web.archive.org/web/20011217201239/http://group.yahoo.com/>;
<http://web.archive.org/web/20011217200856/help.yahoo.com/help/groups/>;
<http://web.archive.org/web/20011202071303/help.yahoo.com/help/us/groups/groups-01.ht...>;
<http://web.archive.org/web/20011202072641/help.yahoo.com/help/us/groups/groups-23.ht...>;
http://web.archive.org/web/200111127132338/dir.groups.yahoo.com/dir/Hobbies_Crafts/;
http://web.archive.org/web/200111125123443/dir.groups.yahoo.com/dir/Hobbies_Crafts/;
<http://web.archive.org/web/200111125183404/groups.yahoo.com/group/pencil-sharpeners>;
<http://web.archive.org/web/20011217203233/http://people.yahoo.com/>) in view of Bernardo et al. (US Pat. No. 6,185,587 hereafter referred to as "Bernardo").

12. **Claims 1, 15 and 29:** Yahoo! discloses virtual community groups that are classified by interest where members can discuss "sports, health, current events, and more". (pg. 1). Yahoo! does not disclose using templates to automatically build its community of members.
13. Bernardo, however, discloses a software tool comprising a library of stored templates that prompts a user to select desired options/features to include in the automatic building of a Web site. Using the options selected, the tool determines which of the stored templates are to be used. (C2; L58-66).
14. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included using a software tool to automatically build a group (community), as disclosed by Bernardo in the system disclosed by Yahoo!, for the motivation of providing a means for members to "Start a new Group!" (Yahoo!, pg. 1) It is obvious that in order to start a new group, the new interest group site would need to be created. Bernardo's tool provides the means by which a new group can be created through its automated web site generation capability. (Bernardo; C3; L37-38). Bernardo discloses a library of templates for building a web site. It is obvious that if the web site is directed to a specific interest, the templates would incorporate the interest when the features/options for the web site are selected by the user.
15. **Claims 2-6, 8-10, 16-20, 22-24, 30-34 and 36-38:** Yahoo! discloses groups according to various interests ("Business & Finance", "Hobbies & Crafts" - pg. 1 (examples of *interest in the same activity*)) where members can discuss current events (*up-to-date* channel type), "choose between individual emails, daily digests or no mail at all" (pg. 2- message types are defined by the community) and "connect with others who share the same interests and ideas" (pg. 3) using e-mail (*asynchronous*) and chat (*synchronous*) (pg. 2). The role of group moderator has responsibilities, including starting a group. (pg. 4). A list of interests is given on pg. 5. This is an exemplary list (i.e., *catalog*) of interests based on the activity of "Collecting", a subset of the classification of "Hobbies & Crafts". This structure provides for the main categorization ("Hobbies & Crafts") to cross the various subcategories ("Collecting" and further through down to

the list displayed on page 5). Pages 5 and 6 also disclose that access is provided by both linking to an interest within the list and to a group (i.e., *existing community*).

16. **Claims 7, 21 and 35:** Yahoo! discloses community groups, but does not disclose creating, editing, deleting and organizing templates.
17. Bernardo, however, discloses editing text, colors, graphics, as well as choosing the positioning (i.e., organization) of objects, creating and deleting objects. (C9; L61-66). The "Page Template" is edited in order to create new web pages. (C13; L24-25).
18. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included well known software application functionality such as the creating, editing, deleting and organizing of templates, as disclosed by Bernardo, in the system of Yahoo! for the motivation of customizing a community group when a moderator decides to start a new group. (Yahoo!; pg. 4).
19. **Claims 11, 25 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahoo! (pages documented from the Internet Archive from December 17, 2001: <http://web.archive.org/web/20011217201239/http://group.yahoo.com/>;
<http://web.archive.org/web/20011217200856/help.yahoo.com/help/groups/>;
<http://web.archive.org/web/20011202071303/help.yahoo.com/help/us/groups/groups-01.ht...>;
<http://web.archive.org/web/20011202072641/help.yahoo.com/help/us/groups/groups-23.ht...>;
http://web.archive.org/web/200111127132338/dir.groups.yahoo.com/dir/Hobbies_Crafts/;
http://web.archive.org/web/200111125123443/dir.groups.yahoo.com/dir/Hobbies_Crafts/;
<http://web.archive.org/web/200111125183404/groups.yahoo.com/group/pencil-sharpeners>;
<http://web.archive.org/web/20011217203233/http://people.yahoo.com/>) in view of Bernardo et al. (US Pat. No. 6,185,587 hereafter referred to as "Bernardo") in view of Newbold (US Pub. No. 2002/0087600).

20. **Claims 11, 25 and 39:** Yahoo! discloses a "People Search" function (pg.1 and 9). Yahoo! does not disclose identifying people having a primary interest.
21. Newbold, however, discloses profiling a user based on their activity (P[0011]); maintaining a person's interest and skills profile which is part of a 'people finder system' that can be used to locate expertise and assist in creating work teams (i.e., communities). (P[0013]).
22. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included identifying people by interest, as disclosed by Newbold, in the system of Yahoo! for the motivation of automatically and dynamically identifying people as being experts in various topics or content and making this information known to others. (Newbold; P[0008]).
23. **Claims 12-14 and 26-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahoo! (pages documented from the Internet Archive from December 17, 2001: <http://web.archive.org/web/20011217201239/http://group.yahoo.com/>; <http://web.archive.org/web/20011217200856/help.yahoo.com/help/groups/>; <http://web.archive.org/web/20011202071303/help.yahoo.com/help/us/groups/groups-01.ht...>; <http://web.archive.org/web/20011202072641/help.yahoo.com/help/us/groups/groups-23.ht...>; http://web.archive.org/web/200111127132338/dir.groups.yahoo.com/dir/Hobbies_Crafts/; http://web.archive.org/web/200111125123443/dir.groups.yahoo.com/dir/Hobbies_Crafts/; <http://web.archive.org/web/200111125183404/groups.yahoo.com/group/pencil-sharpeners>; <http://web.archive.org/web/20011217203233/http://people.yahoo.com/>) in view of Bernardo et al. (US Pat. No. 6,185,587 hereafter referred to as "Bernardo") in view of Newbold (US Pub. No. 2002/0087600) in view of Herz et al. (US Pat. No. 5,754,939 hereafter referred to as "Herz").
24. **Claims 12-14 and 26-28:** Yahoo! discloses a "People Search" function (pg.1 and 9) and the ability to view of list of current group members and member profiles. (pg. 2). Yahoo! does not disclose querying to find people to update a list of members, notifying the people that they've

been identified as a potential member of a community or notifying members about an updated list indicating potential new members.

27. Herz, however, discloses that users typically discover virtual communities of interest by word of mouth or examining long lists. (C73; L8-11) and offers a remedy by automatically locating groups of people with common interests to form virtual communities where an agent seeks out users based on interests, creates mailing lists and introduces them to each other. (C73; L38-47). Herz discloses "grouping together users who have similar interests of any sort, not merely Individuals who have already written or received messages about similar topics" (C75; L 18-21); sending e-mails to potential new members that informs the user of the existence and the common interests of the virtual community (C76; L19-36); and establishing "a mailing list so that any member of the virtual community may distribute e-mail to all other members." (C77; L36-38).
28. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included updating lists of members, notifying potential members and current members, as disclosed by Herz, in the system of Yahoo! for the motivation of increasing membership in virtual communities by encouraging interested users to join. If members have a high interest level, they will have more relevant contributions which will increase the perception of the community as a source for valuable information. Notifications to members of an updated list have the obvious advantage of introducing the new users (Herz; C73; L46) and encouraging other members to interact with them.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is 571-270-1828. The examiner can normally be reached on Monday - Thursday (6:00- 4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gabrielle McCormick
Patent Examiner
Art Unit 3629


DENNIS RUHL
PRIMARY EXAMINER